

IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH CAROLINA  
SPARTANBURG DIVISION

John N. Atkinson	)	CA No. <u>7:09-3052-HFF-WMC</u>
Plaintiff,	)	
	)	
v.	)	<b>REPORT AND RECOMMENDATION</b>
	)	<b>ON DEFENDANT'S MOTION TO DISMISS</b>
Farrell Chevrolet	)	
Defendant.	)	
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This matter came before the Court by way of Defendant's motion to dismiss the second count of Plaintiff's Complaint, which asserts a claim for violation of the South Carolina Human Affairs Law. Defendant contends that S.C. Code Ann. § 1-13-90(d)(8) (1976) prohibits the maintenance of such a claim when a claim for violation of Title VII is also asserted.

The Court agrees, and Plaintiff has consented to the relief sought in Defendant's motion.

**RECOMMENDATION**

For the reasons stated above, the Court recommends that Defendant's motion to dismiss the Plaintiff's Second Cause of Action for violation of the South Carolina Human Affairs Law be granted.

s/William M. Catoe  
United States Magistrate Judge

January 6, 2010  
Greenville, South Carolina